

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**MARSHALL DIVISION**

**STRAGENT, LLC,**

**Plaintiff,**

**v.**

**MICROSOFT CORPORATION and**

**FORD MOTOR COMPANY,**

**Defendants.**

**Civil Action No. 2:08-cv-341**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Plaintiff Stragent, LLC (“Stragent”) complains against Microsoft Corporation (“Microsoft”) and Ford Motor Company (“Ford”) as follows:

**PARTIES**

1. Plaintiff Stragent is a Texas limited liability company with its principal place of business at 211 W. Tyler Street, Suite C-2, Longview, Texas 75601.
2. Upon information and belief, Microsoft is a Washington corporation with its principal place of business at One Microsoft Way, Redmond, Washington. Service of process may be had on Microsoft’s Registered Agent, Corporation Service Company, located at 701 Brazos Street, Suite 1050, Austin, Texas 78701.
3. Upon information and belief Defendant Ford is a Delaware corporation with its principal place of business at One American Road, Dearborn, Michigan. Service of process may be had on Ford’s Registered Agent, C. T. Corporation Systems, 350 N. St. Paul Street, Dallas, Texas

75201.

### **JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendants have transacted business in this district and have committed and/or induced and/or contributed to acts of patent infringement in this district.

6. Upon information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

### **PATENT INFRINGEMENT**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,424,431**

7. Stragent is the owner by assignment of United States Patent No. 7,424,431 ("the '431 patent") entitled "System, Method and Computer Program Product for Adding Voice Activation and Voice Control to a Media Player." The '431 patent issued on September 9, 2008.

8. Upon information and belief, Microsoft is directly infringing, jointly infringing, inducing infringement by others, and/or contributing to the infringement by others of the '431 patent in the State of Texas, in this judicial district, and elsewhere in the United States. Microsoft's infringements include, among other things, making, using, offering for sale, and/or selling

computer software products used in Ford vehicles, including without limitation Microsoft Sync computer software. Microsoft is thus liable for infringement of the '431 patent pursuant to 35 U.S.C. § 271.

9. Upon information and belief, Ford is directly infringing, jointly infringing, inducing infringement by others, and/or contributing to the infringement by others of the '431 patent in the State of Texas, in this judicial district, and elsewhere in the United States. Ford's infringements include, among other things, making, using, offering for sale, and/or selling Ford vehicles equipped with computer software products, including without limitation Microsoft Sync computer software. Ford is thus liable for infringement of the '431 patent pursuant to 35 U.S.C. § 271.

10. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, such marking requirements have been complied with.

11. As a result of the Defendants' infringement of the '431 patent, Stragent is suffering monetary damages that are compensable under 35 U.S.C. § 284 adequate to compensate it for the infringement, but in no event less than a reasonable royalty, and will continue to suffer such monetary damages in the future unless the court orders a reasonable royalty for future infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, Stragent requests that this Court enter:

A. A judgment in favor of Stragent that Defendants have directly, and/or jointly, and/or by way of inducing infringement of others, and/or by contributing to the infringement by others, infringed the '431 patent;

B. A judgment and order requiring Defendants to pay Stragent its damages, costs,

expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '431 patent as provided under 35 U.S.C. § 284 as well as a reasonable royalty for future infringement; and

C. Any and all other relief to which the Court may deem Stragent entitled.

**DEMAND FOR JURY TRIAL**

Stragent, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,



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